

ISMAIL J. RAMSEY (CABN 189820)
 United States Attorney
 MICHELLE LO (NYRN 4325163)
 Chief, Civil Division
 PAMELA T. JOHANN (CABN 145558)
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36045
 San Francisco, California 94102
 Telephone: (415) 436-7025
 Facsimile: (415) 436-7234
 pamela.johann@usdoj.gov

Attorneys for Defendant UNITED STATES
 DEPARTMENT OF LABOR

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

THE CENTER FOR INVESTIGATIVE
 REPORTING and WILL EVANS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
 LABOR,

Defendant.

) Case No. 22-cv-07182-WHA

)
)
) **STIPULATED BRIEFING SCHEDULE FOR**
) **BELLWEATHER SUMMARY JUDGMENT**
) **MOTION AND [PROPOSED] ORDER**

Pursuant to the Court’s instructions at the Case Management Conference held on April 13, 2023,
 and the Court’s Minute Order, Dkt. No. 25, the parties submit the following proposed order regarding
 the dates and deadlines discussed at the Case Management Conference:

1. Release of Non-Objectors’ EEO-1 Data. At the Case Management Conference, the
 Department of Labor (“DOL”) reported that it was preparing to release the majority of requested EEO-1
 reports by Monday, April 17, 2023. The parties confirm that on April 17, 2023, DOL released the
 requested data from 56,419 EEO-1 reports, corresponding to 19,289 unique federal contractors.

2. DOL Determinations of Contractor Status. As of April 17, 2023, DOL needed to confirm

the contractor status of 360 companies that had submitted claims that they are not federal contractors subject to the FOIA request. DOL will complete those determinations by May 5, 2023. The reports of entities confirmed to be non-contractors will be removed from the set of potentially responsive reports. Entities confirmed to be contractors will be given an opportunity to submit objections, and DOL will continue to process their reports.

3. DOL Evaluations of Objections. As of April 17, 2023, DOL had received objections to release from 4,365 unique federal contractors, corresponding to 16,908 EEO-1 reports. DOL may receive additional objections from companies whose claims of non-contractor status are rejected by DOL. DOL will complete its initial evaluation of these objections by July 21, 2023. DOL will release to Plaintiff an initial list of EEO-1 reports withheld under a FOIA exemption—entities whose objections have been affirmed by DOL after the initial evaluation—by July 28, 2023. DOL will continue to evaluate the remaining objections and anticipates that its final determination as to all remaining reports will be made by the end of September 2023.

4. Bellwether Motion Briefing. The parties will meet and confer regarding DOL's selection of six exemplars of withheld EEO-1 reports for a bellwether summary judgment motion, as discussed at the Case Management Conference. The parties agree to the following schedule for that motion:

- a. DOL's Motion for Summary Judgment to be filed by August 4, 2023
- b. Plaintiffs' Cross-Motion and Opposition to be filed by October 5, 2023
- c. DOL's Opposition and Reply to be filed by November 2, 2023
- d. Plaintiff's Reply to be filed by November 22, 2023
- e. Hearing: December 14, 2023 at 8:00 a.m.

DATED: April 18, 2023

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/ Pamela T. Johann
PAMELA T. JOHANN
Assistant United States Attorney

Attorneys for Defendant

1 DATED: April 18, 2023

THE CENTER FOR INVESTIGATIVE
REPORTING

2
3 /s/ D. Victoria Baranetsky

D. VICTORIA BARANETSKY

4 Attorneys for Plaintiffs

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6 **ATTESTATION**

7 I, Pamela T. Johann, hereby attest under penalty of perjury that in compliance with Civil Local
8 Rule 5-1(h)(3), I have obtained the concurrence in the filing of this document from D. Victoria
9 Baranetsky.

10 /s/ Pamela T. Johann

11 PAMELA T. JOHANN

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The following schedule is established for the bellwether motion for summary judgment:

1. DOL's Motion for Summary Judgment to be filed by August 4, 2023
2. Plaintiffs' Cross-Motion and Opposition to be filed by October 5, 2023
3. DOL's Opposition and Reply to be filed by November 2, 2023
4. Plaintiff's Reply to be filed by November 22, 2023
5. Hearing: December 14, 2023 at 8:00 a.m.

Dated: _____

HON. WILLIAM ALSUP
United States Senior District Judge